



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Order Instituting Rulemaking on the
Commission's Own Motion to Assess and Revise
The Regulation of Telecommunications Utilities.

Rulemaking 05-04-005
(Filed April 7, 2005)

Rulemaking for Purposes of Revising General
Order 96-A Regarding Informal Filings at the
Commission.

Rulemaking 98-07-038
(Filed July 23, 1998)

COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E)
TO ADMINISTRATIVE LAW JUDGE DIVISION'S DRAFT RESOLUTION ALJ-202
EXTENDING AND MODIFYING SECTION 851 PILOT PROGRAM

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Dated: **August 13, 2007**

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I.

INTRODUCTION AND SUMMARY

Pursuant to Rule 14.3 of the California Public Utilities Commission's (Commission or CPUC) Rules of Practice and Procedure, Southern California Edison Company (SCE) respectfully files its comments to the July 24, 2007 Administrative Law Judge Division's Draft Resolution ALJ-202 Extending and Modifying Section 851 Pilot Program (Draft Resolution). Among other things, the Draft Resolution extends the Section 851 Pilot Program by three years, incorporates changes made to Section 851 by Assembly Bill 736, and conforms the Pilot Program to the new rules adopted in General Order (GO) 96-B.

SCE agrees with the need to extend the Section 851 Pilot Program and appreciates the Commission's attention to this matter prior to the current program's expiration on August 25,

2007. In fact, SCE has just filed its first advice letter pursuant to the Section 851 Pilot Program requesting approval of seven dark fiber leases to U.S. TelePacific Corp. SCE drafted its advice letter with the rules proposed in ALJ-202 in mind. SCE looks forward to working with the Commission and the Staff toward a quick and successful approval of its Section 851 Pilot Program advice letter. SCE expects the process of obtaining approval to be cost-effective given the relatively small value (less than \$5 million) of the seven leases combined. Accordingly, SCE hopes to use the Pilot Program again during the proposed three-year extension and will work with the Commission towards making the Pilot Program permanent.

II.

DISCUSSION

A. SCE Agrees With the Proposed Three-Year Extension of the Section 851 Pilot Program So Long As Steps Are Taken to Make the Program Permanent

The Section 851 Pilot Program was adopted on August 25, 2005 in Resolution ALJ-186. The Program will expire on August 25, 2007 unless extended as proposed in the Draft Resolution. The Section 851 Pilot Program permits entities regulated by the Commission to request approval of sales, leases, and other transfers of property valued at \$5 million or less via an advice letter filing rather than the more time-consuming 851 Application. Since the Pilot Program's inception in 2005, Section 851 was amended to codify certain aspects of the Pilot Program, and GO 96-B governing advice letter filings became effective. In light of the changes to Section 851, the adoption of GO 96-B, and the looming expiration of the Pilot Program, the Administrative Law Judge Division has drafted a resolution extending the Pilot Program for another three years (ALJ-202).

SCE agrees that the life of the Pilot Program should be extended with the goal of creating a permanent program for informal approval of sales, leases, and other property transfers valued at less than \$5 million. As proposed, the Pilot Program offers a cost-effective procedure for obtaining approval of smaller transactions while allowing input from stakeholders when

necessary through protests. In fact, SCE recently filed an advice letter pursuant to the Pilot Program requesting approval of seven dark fiber leases. The transactions are valued at less than \$4.5 million combined. SCE drafted the advice letter with amended Section 851, GO 96-B, and Draft Resolution ALJ-202 in mind. SCE expects this experience to lead to additional filings under the Pilot Program. Over the next three years, SCE will work with the Commission and the Staff to create a permanent informal approval process for 851 transactions modeled after the Section 851 Pilot Program.

III.

CONCLUSION

SCE appreciates the opportunity to submit these comments. The Draft Resolution should be adopted with the goal of making the Section 851 Pilot Program permanent prior to the expiration of the three-year extension.

Respectfully submitted,

/s/ Robert F. LeMoine

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August 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO ADMINISTRATIVE LAW JUDGE DIVISION'S DRAFT RESOLUTION ALJ-202 EXTENDING AND MODIFYING SECTION 851 PILOT PROGRAM on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

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Executed this **13th day of August, 2007**, at Rosemead, California.

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